

or by plan, then it shall be the duty of the building-owner to construct, if practicable, such and so many chimney-joints, breasts and flues of chimneys, in all such parts of such party-wall as shall be by such instructions required, and to leave such recesses in every such wall as may be so required; but so that they be conformable with the directions of this Act concerning party-walls and chimneys; and that thereupon it shall be lawful for the building-owner to claim, and he is hereby entitled to recover from the adjoining owner all the expenses of constructing such chimney-joints, breasts and flues of chimneys and recesses, as provided by this Act in that behalf.

RUINOUS BUILDINGS.

Repairing and Rebuilding—Application to Official Referee—Survey—Notice to Lord Mayor, &c. and to Overseers—Erection of Hoards, and Notice to Furlow—Repairs—Appeal against Survey—Demolition.

36. And whereas buildings within the limits of this Act are often, either from litigated titles thereto, or from the obliquity, neglect or poverty of the owners thereof, or of the parties interested therein, or from other causes, in so ruinous a condition that passengers are endangered thereby; now for the purpose of remedying provisions in that behalf: be it enacted, with regard to ruinous buildings, so far as relates to repairing or pulling down the same, that, upon receiving information of any building being in a ruinous and dangerous condition, it shall be the duty of the surveyor, and the overseers for the time being of the parish or place in which the same shall be, and they are hereby respectively required, to apply forthwith to the official referees to authorize a survey to be made thereof; and that, thereupon, it shall be lawful for the official referees to direct the surveyor to make such survey; and that thereupon it shall be the duty of such surveyor to act in all respects as in the case of a survey of party wall; and that upon the receipt of the certificate of the surveyor, it shall be lawful for the official referees, and they are hereby required to cause a copy thereof to be transmitted, if the premises be within the city of London, then to the court of Lord Mayor and aldermen, and if they be elsewhere, then to the overseers of the poor of the parish or place in which such premises shall be; and that, thereupon, it shall be the duty of such Lord Mayor and court of aldermen and overseers to cause, with all convenient speed, a proper and sufficient board to be put up for the safety of all passengers; and to cause notice in writing to be given to the owner of such building to repair or pull down the same, or any part thereof, within fourteen days (then next ensuing); and that if within the said fourteen days the repair or demolition thereof be not begun and be not completed as soon as the nature of the case will admit, then on a declaration being made before the said Lord Mayor or a justice of the peace, of such notices having been so given (which declaration the said Lord Mayor and justices are hereby respectively empowered and required to receive), it shall be lawful for the said Lord Mayor and court of aldermen, and they are hereby authorized and required, out of the cash in the chamber of London, and also for every such overseer of the poor by and out of the money in his hands, and they are hereby severally authorized and required, with all convenient speed, to order and cause such building or such part thereof so certified to be a ruinous and dangerous condition, as shall be necessary for the safety of the passengers, to be repaired or pulled down, or secured in such manner as shall from time to time be requisite; provided always, that if such Lord Mayor or aldermen, or such overseers, appeal against such certificate, it shall be the duty of the official referees to proceed to survey, to certify and to award in all respects as in the case of an appeal from the certificate of the surveyor with reference to party-walls or lateralized buildings; and that if such official referees certify that the said premises are ruinous and dangerous, it shall be the duty of the said Lord Mayor or the said overseers to repair or pull down such building as aforesaid.

Disposal of Materials to pay Costs—Payment of Surplus on Demand—If on Demand—City of London or Overseers to Refund within Six Years.

40. And be it enacted, with regard to any such ruinous buildings so pulled down, so far as relates to the disposal of the materials thereof and to the application of the proceeds, that it shall be lawful for the said Lord Mayor and court of aldermen, or the said overseers, to sell and dispose of such of the materials as they shall judge necessary, and out of the moneys arising from the sale thereof to reimburse to themselves, the surveyors and official referees, and every person by them respectively employed for the purposes aforesaid, all the charges of the survey and appeal, and of putting up every such board, and of repairing, pulling down and securing such premises, and of selling the said materials as aforesaid, or so much thereof as the moneys arising by such sale will extend to; and that if there be any surplus after payment of all expenses, then, upon demand thereof made by such owner, it shall be the duty of the said Lord Mayor, or of the said overseers, to pay for and pay such moneys of the moneys arising by such sale to the owner of such premises; and that if no such demand be made, then such surplus shall, as regards places within the city of London, and the liberties thereof, be paid to the Chamberlain of the city; and as regards all other places, such surplus shall be added to the moneys raised for the relief of the poor of the parish or place, and accounted for accordingly; provided nevertheless, that, as at any time within six years from the deposit of such surplus, it shall be lawful for any such owner, his executors or administrators, to claim, and he and they are hereby entitled to recover such surplus; and the said Lord Mayor and aldermen of the city of London, as regards the said city and liberties thereof, are hereby required to pay such surplus out of the cash in the chamber of London; and every overseer, as regards places not within the said city or the liberties thereof, is hereby required to pay such surplus out of any moneys raised or to be raised by any rate for the relief of the poor.

If a deficiency, to be paid by Owner: or levied by Warrant of Distress: or Occupier to pay and deduct from Rent: or by Distress on Occupier—Payment of Money to Chamberlain or to the Overseers.

41. And be it enacted, with regard to any such ruinous buildings, so far as relates to the expense of putting up such board, repairing, selling and disposing of the materials thereof, and selling the said materials, that, if the amount thereof, which shall have been satisfied by the application thereto of the proceeds of the material, and if the moneys arising from such sale be insufficient to repay all such expenses, then, from time to time, such deficiency shall be paid by the owner of every such building, if known; and that if, on demand thereof, such owner fail to pay such deficiency, then it shall be lawful for the Lord Mayor for the time being, if such ruinous building in question be within the city of London or the liberties thereof, or if elsewhere, for two or more justices of the peace, to levy the amount thereof by warrant under their hands and seals, by distress and sale of the goods and chattels of such owner, if any such case be found; and that if no such owner can be met with, or being met with, shall not, on demand, pay the said deficiency, and no sufficient distress of the goods and chattels of such owner can be found, then it shall be lawful for the person who shall at any time thereafter occupy any such building, or the ground where the same stood, and he is hereby authorized and required to pay and deduct the said deficiency from the rent of such building; and that if he neglect or refuse to pay such deficiency, then it shall be lawful for the said Lord Mayor, or two or more such justices of the peace, and they are hereby empowered and required to cause the same to be levied by distress and sale of the goods and chattels of any occupier of the premises, together with the costs of every such distress and sale; and that if any occupier of the premises, together with the costs of every such distress and sale, shall be paid, the premises be situate within the city of London and its liberties, it shall be the duty of the person by whom the same shall be received, and he is hereby required to pay the amount to the chamberlain, to be by him from time to time placed to the credit of the cash of the said city of London; and if the premises, in respect of which such money shall be received or recovered, be not situate within the said city of London and its liberties thereof, then to pay the amount received to the overseers of the poor for the time being of the parish or place where the premises shall be situate, to be by them placed to the account of the said parish, in aid of the poor-rate of the parish or place.

Repair of ruinous Chimneys, &c.—Notice—Repairs—Certification of Expenses—Recovery from Owner or Occupier—If easily—Fire—Expenses—Reimbursement of Occupier.

42. And be it enacted, with regard to ruinous chimneys, roofs, and projections, so far as relates to the repairing thereof, that if a chimney-shaft, chimney-pot, or other thing thereon, or the eaves, or parapet, or coping, or slate, or tiles on the roof, or any projection from the front walls of any building, be deemed by the surveyor to be in danger of falling, or that it shall be the duty of such surveyor to be hereby required to require the occupier of such building, or if there be no occupier, then the owner thereof, to take down or secure the same to the satisfaction of such surveyor, within thirty-six hours after notice thereof shall have been given; and that if, within the time specified, such occupier, or some other person interested in such building, do not begin to take down or secure the same, and, as soon as the nature of the case will admit, such person taking down or securing of the same, to the satisfaction of such surveyor, then it shall be the duty of such surveyor to give information thereof to a justice of the peace; and, thereupon, it shall be the duty of such justice of the peace to proceed to cause such chimney-shaft, chimney-pot, or other thing thereon, or the eaves, or parapet, or coping, or slate, or tiles on the roof or projection from the front or side wall of such building as shall be considered by such surveyor in danger of falling, to be forthwith taken down or secured; and that if there be no occupier or known owner, then it shall be lawful for such justice to direct that the reasonable expense, to be certified by the official referees, be paid by the overseers of the parish or place in which such building shall be situated; and that if thereafter the owner of such building should become known, or if the building should become occupied, then it shall be lawful for the overseers of the poor, and they are hereby entitled to recover the amount of such expenses from such owner or from such occupier, so in the case of ruinous buildings heretofore provided for; and that if within the time limited the occupier or some other person interested in such building do not take down or secure the same, then for every day during which the same shall so remain unrepaired or not sufficiently secured, such occupier or the owner, if there be no occupier, shall forfeit and pay the sum of five pounds; and that such occupier or owner shall also pay the surveyor's fees and all other costs, charges and expenses attendant upon any such taking down or securing the building; and all such surveyor's fees and other costs, charges and expenses may be recovered by the

"By a plan" is not a sufficient designation; the words should be "by a plan AND ELEVATION, OR OTHER SUFFICIENT DRAWINGS."

These provisions would form a very great improvement upon those of the present Building Act, whereby the power is left to very incompetent persons.

There is no statement who is to be paid first, or if the parties interested are to be paid equally in proportion to the proceeds of the sale.

There does not appear to be any provisions for the expense of surveying.

"Required to require" should be altered.